

IN RE: PETITION FOR VARIANCE  
NW/S Odeon Court, 120' SE of  
the c/l Throgmorton Road  
(25 Odeon Court)  
9th Election District  
4th Councilmanic District  
  
Joseph Kapraun, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-20-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 25 Odeon Court, located in the vicinity of Throgmorton Road in Carney. The Petition was filed by the owners of the property, Joseph and Jennifer Kapraun. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 1 foot, 7 inches in lieu of the required 2.5 feet for an existing swimming pool. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Joseph and Jennifer Kapraun. Appearing in opposition to the relief requested was Thomas Surock, adjoining property owner.

Testimony and evidence offered revealed that the subject property consists of 2,100 sq.ft., zoned D.R. 5.5 and is improved with a two-story, inside-group, townhouse dwelling, and an above-ground swimming pool which is situated in the rear yard, approximately 1'7" from the north side property line. Also on the property is a 6-foot high privacy fence which has been placed along the north side property line and runs from the rear of the dwelling to approximately 3/4 of the length of the rear yard. Testimony indicated that the pool, which is 12 feet in diameter, was

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Date

By

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installed last summer approximately 1'7" from the north side property line adjoining Mr. Surock's property. The Petitioners testified that they were unaware at the time of installation that a 2.5 foot setback was required and upon receipt of a correction notice from the Department of Permits and Development Management (DPDM), filed the instant Petition to legitimize existing conditions.

As noted above, Mr. Thomas Surock, the adjoining property owner, appeared and testified in opposition to the request. Mr. Surock objects to the location of the pool due to the water runoff problems he encounters when the pool is covered during the off-season months. He testified that rain water collects on the surface and overflows into his rear yard, which is evidenced in a photograph he submitted depicting the pool and standing water in his rear yard. Both Mr. Surock and Mr. Kapraun testified as to an existing drainage problem in this area of the neighborhood and noted that they and their neighbors installed an underground drainage pipe to carry water runoff away from their rear yards. However, Mr. Surock testified that since the installation of the subject pool, he has experienced additional drainage problems in his rear yard. Furthermore, Mr. Surock is concerned that the pool is too close to the common property line he shares with the Petitioners and that his child might fall into the pool should he climb the privacy fence which abuts the chain link fence between the two properties. Mr. Surock objects to the pool's location and requests that the Petitioners be required to move the pool to meet the 2.5-foot setback requirement.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

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Date 8/25/96  
By [Signature]

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence offered by both the Petitioners and Mr. Surock, I am persuaded to deny the variance. Mr. Surock believes that the location of the pool poses a hazard to his child and the close proximity of the pool to his property has created an adverse water runoff problem. In addition, there was no testimony offered as to why the Petitioners could not maintain the 2.5 foot setback required. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Thus, the relief requested must be denied and the Petitioners shall be required to relocate the pool to meet the 2.5-foot setback requirement.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

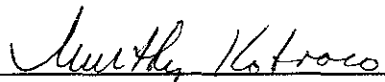
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28<sup>th</sup> day of August, 1996 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning

Regulations (B.C.Z.R.) to permit a side setback of 1 foot, 7 inches in lieu of the required 2.5 feet for an existing swimming pool, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall be required to relocate the pool to meet the 2.5-foot setback requirement within sixty (60) days of the date of this Order; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

TMK:bjs

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

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8/22/96  
BY

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 28, 1996

Mr. & Mrs. Joseph Kapraun  
25 Odeon Court  
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE  
NW/S Odeon Court, 120' SE of the c/l Throgmorton Road  
(25 Odeon Court)  
9th Election District - 4th Councilmanic District  
Joseph Kapraun, et ux - Petitioners  
Case No. 97-20-A

Dear Mr. & Mrs. Kapraun:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Thomas Surock  
27 Odeon Court, Baltimore, Md. 21234

People's Counsel

File

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# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

25 ODEON CT

which is presently zoned RESIDENTIAL

97-20-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1; 822R, TO PERMIT

A pool within 1'7" of a side property line in lieu of  
The Required 2.5'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

TO BE ADDRESSED @ HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

JOSEPH KAPRAUN

(Type or Print Name)

Joseph Kapraun

Signature

25 ODEON CT.

Address

BALTO. MD. 21234

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Printed with Soybean Ink  
on Recycled Paper

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

JOSEPH KAPRAUN

(Type or Print Name)

Joseph Kapraun

Signature

Jennifer Kapraun

(Type or Print Name)

Jennifer Kapraun

Signature

25 ODEON CT. 410.882.9684

Address

Phone No

BALTO. MD. 21234

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 7-17-96

20

Zoning Administration

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ORIGINAL RECEIVED FOR FILING  
Jatt  
By

97-20-A

Zoning description for 25 Odeon Court.

Beginning at a point on the west side of Odeon Court which is 80 ' wide at the distance of 125' south of the center line of the nearest improved intersecting street Odeon Court which is 60' wide. Being lot #38, Block A in the subdivision of Town and Country Carney as recorded in Baltimore County Plat Book 36 folio 31 containing 2100 square feet. Also known as 25 Odeon Court and located in the 9th election district and 4th councilmanic district.

20

RECORDED

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

District 9d

Posted for: David

Date of Posting 8/13/96

Petitioner: Tosco & Son, Inc. for Agreer

Location of property: 24 Adams Ct

Location of Sign: Facing road on property being owned

Remarks: \_\_\_\_\_

Posted by M. Kelly

Signature

Date of return: 8/12/96

Number of Signs: 1

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**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY** 97-20-A  
Towson, Maryland

\_\_\_\_\_ Date of Posting 8/9/96

District: \_\_\_\_\_

Posted for: \_\_\_\_\_

Petitioner: \_\_\_\_\_

Location of property: 25 Odgers +

\_\_\_\_\_

Location of Sign: Morgd 3491 From 74 Odgers St to 25 Odgers St

\_\_\_\_\_

Remarks: \_\_\_\_\_ Date of return: 8/16/96

Posted by: W. H. H. H. Signature \_\_\_\_\_

Number of Signs: 1



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# NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case # 20-03  
(Item 20)  
24 Olsen Court  
S. & W. Corner, Court 800 NW and 120 St of 64 Third  
North Road  
9th Election District  
4th Councilmanic  
Legal Owner(s):  
Joseph Kapraun and Jennifer Kapraun

Variance: to permit a pool within 1 foot, 7 inches of a side property line in lieu of the required 2.5 feet.  
Hearing: Tuesday, August 20, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3353.  
(2) For information concerning the File and/or Hearing, Please Call 887-3361.

8/03/96 August 1, C70556

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/1, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/1, 1996.

THE JEFFERSONIAN,  
*A. H. Erickson*  
LEGAL AD. - TOWSON

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 20 Petitioner: JOSEPH KAPRAUN  
Location: 25 ODEON CE. BALTO., MD. 21234

PLEASE FORWARD ADVERTISING BILL TO:

NAME: \_\_\_\_\_  
ADDRESS: SAME.

PHONE NUMBER: 882-9684



TO: PUTUMENT PUBLISHING COMPANY

August 1, 1996 Issue - Jeffersonian

Please forward billing to:

Joseph Kapraun  
25 Odeon Court  
Baltimore, MD 21234  
882-9684

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-20-A (Item 20)

25 ~~24~~ Odeon Court

S & W/S Odeon Court, 200' NW and 120' SE of c/l Throghorton Road

9th Election District - 4th Councilmanic

Legal Owner(s): Joseph Kapraun and Jennifer Kapraun

Variance to permit a pool within 1 foot, 7 inches of a side property line in lieu of the required 2.5 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



# BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

*[Signature]*  
DIRECTOR

*[Signature]*  
BUILDINGS ENGINEER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 26, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-20-A (Item 20)

27 ~~24~~ Odeon Court

S & W/S Odeon Court, 200' NW and 120' SE of c/l Throghorton Road

9th Election District - 4th Councilmanic

Legal Owner(s): Joseph Kapraun and Jennifer Kapraun

Variance to permit a pool within 1 foot, 7 inches of a side property line in lieu of the required 2.5 feet.

HEARING: TUESDAY, AUGUST 20, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Joseph and Jennifer Kapraun

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

RECEIVED





# BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

*C. J. Jabb*  
DIRECTOR

*John R. Reing*  
BUILDINGS ENGINEER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 19, 1996

Mr. and Mrs. Joseph Kapraun  
25 Odeon Court  
Baltimore, MD 21234

RE: Item No.: 20  
Case No.: 97-20-A  
Petitioner: Joseph Kapraun, et ux

Dear Mr. and Mrs. Kapraun:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 17, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

*W. Carl Richards, Jr.*

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

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# BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

*[Signature]*  
DIRECTOR

*[Signature]*  
BUILDINGS ENGINEER



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

7-30-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 020 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*for* *Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

**MICROFILMED**

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: August 2, 1996

FROM: *RWB* Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for August 5, 1996  
Item Nos. 017, 019, 020, 021, 022,  
023, 024, and 025

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

Number: 019      Type: Administrative  
Owner: George S. Kreisher & Anna H. Kreisher  
Contract Purchaser: N/A

Reviewer: JRA

97-18-A

Close 8/22/12

Critical Area?: Yes      Election District: 12th      Councilmanic District: 7th  
Location: E/S Bear Creek Drive, 212.5' S of centerline Boundary Road (#8210 Bear Creek Drive)

Existing Zoning: D.R.-5.5

Proposed Zoning: ADMINISTRATIVE VARIANCE to allow a detached structure (garage) to be in the side yard in lieu of the rear yard, 11 feet from the rear street on a double frontage lot in lieu of the required 25 feet.

Area: .41 acre

Attorney: N/A

Miscellaneous: Coastal Zone

---

Item Number: 020      7/17      Type: Residential  
Legal Owner: Joseph Kapraun & Jennifer Kapraun

Reviewer: JCM

Contract Purchaser: N/A

Critical Area?: No      Election District: 9th      Councilmanic District: 4th  
Location: S & W/S Odeon Court, 200' NW & 120' SE of centerline Throghorton Road (#24 Odeon Court)

Existing Zoning: D.R.-5.5

Proposed Zoning: VARIANCE to permit a pool within 1 foot, 7 inches of a side property line in lieu of the required 2.5 feet.

NOTE: PER A TYPOGRAPHICAL ERROR MADE BY THIS OFFICE, indicating the above address, this case was advertised and posted as 24 Odeon Court. IT SHOULD HAVE READ 25 ODEON COURT. The sign will be moved to the proper location. Several phone calls have been made by neighbors, all of whom realize that the wrong property was posted and know which house needs the zoning action.

Area: 2,100 square feet

Attorney: N/A

Miscellaneous:



# BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

*[Signature]*  
DIRECTOR

*[Signature]*  
BUILDINGS ENGINEER

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PERMITS AND  
DEVELOPMENT MANAGEMENT

JOB LOCATION 25 Odcon

DISTRICT 9 PCT \_\_\_\_\_ BLDG. INSP. 887-3953  
PERMIT NO. \_\_\_\_\_ PLMB. INSP. 887-3620  
ELEC. INSP. 887-3960  
ENFORCEMENT 887-3351

**CORRECTION NOTICE**

AN INSPECTION ON THIS DAY HAS DETERMINED THE PRESENCE OF  
THE FOLLOWING CONDITION(S) TO BE IN VIOLATION OF THE  
BALTIMORE COUNTY CODE.

CODE BOLA SECTION 421.10.1

Need required barrier at point  
of pool that is less than 48" from  
finished ground level or deck

- Pool to be 30" from property line

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

8/19/96

INSPECTOR Rodney Linnick DATE 6/24/96

ALL CORRECTIONS COMPLETE AND APPROVED:

INSPECTOR \_\_\_\_\_ DATE \_\_\_\_\_

REV 04/96

① 7/9 Owner to file for variance for pool setback  
Extend to 7/18 RL

MICROFILMED



# BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

*[Signature]*  
DIRECTOR

*[Signature]*  
BUILDINGS ENGINEER

Gwen

11:06

9/5/96

Tom Surock  
974-3711

RE: Sign is posted at  
24 Odeone Court, but  
it should be posted at  
25 Odeone Court

MICROFILMED

move sign  
from 24  
to  
25

MICROFILMED



RE: PETITION FOR VARIANCE  
25 Odeon Court, S & W/S Odeon Court, 200'  
NW and 120' SE of c/l Throgmorton Road  
9th Election District, 4th Councilmanic

Joseph and Jennifer Kapraun  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 97-20-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Joseph and Jennifer Kapraun, 25 Odeon Court, Baltimore, MD 21234, Petitioners.



PETER MAX ZIMMERMAN

MICROFILMED

8/20/96

Tom Surock  
27 ODEON Court  
CARNEY, MD 21234

DEAR Zoning Commissioner:

TODAY at the hearing of 25 ODEON Court, I was not able to provide you the crucial picture that I think will aid your final decision. The picture was lost by inspector, Rowe. I MADE A copy of the negative.

Please Note that when picture was taken the pool has it's cover on. This flooding has not occurred at my house even before drain was put in. My 4 year old and 1 year old can not play in yard until 2 or 3 days after rain. The neighbors at 25 ODEON Court have a right to have a pool and enjoy it as much as they can - But it shouldn't be at my expense.

- 2 points -

- (1) - pool should be moved by to county code, because if something happens with kids from daycare my wife plans to do, 10 inches can mean a difference of a kid falling into pool or onto ground.
- (2) Also. 25 ODEON Court should dig trench to capture water coming off of pool and from hill.

Sincerely,

Thomas Surock  
882-5761

(MICROFILMED)

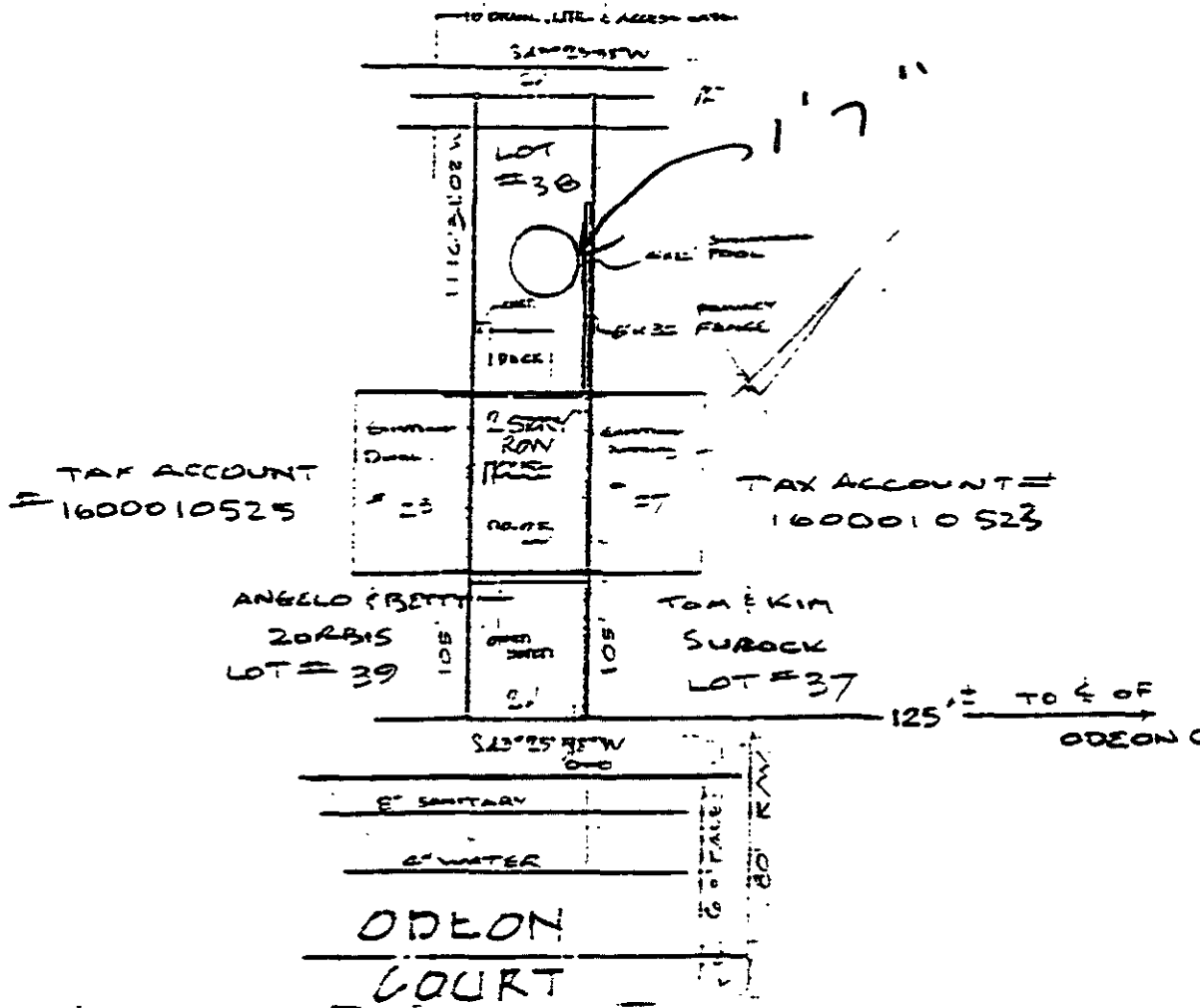
Attachment

Subdivision name: TOWN & COUNTRY / CARNEY

plat: book# 36 ,tollo# 31 ,lot# 38 ,section# A

OWNER: JOSEPH & JENNIFER KAPRAUN

97-20-A



North

date: 7.11.96

prepared by: J. KAPRAUN

Scale of Drawing: 1" = 50'

$$\frac{1}{1 - \frac{1}{2} + \frac{1}{4} - \frac{1}{8} + \frac{1}{16} - \frac{1}{32} + \frac{1}{64} - \frac{1}{128} + \frac{1}{256} - \frac{1}{512} + \frac{1}{1024} - \frac{1}{2048} + \frac{1}{4096} - \frac{1}{8192} + \frac{1}{16384} - \frac{1}{32768} + \frac{1}{65536} - \frac{1}{131072} + \frac{1}{262144} - \frac{1}{524288} + \frac{1}{1048576} - \frac{1}{2097152} + \frac{1}{4194304} - \frac{1}{8388608} + \frac{1}{16777216} - \frac{1}{33554432} + \frac{1}{67108864} - \frac{1}{134217728} + \frac{1}{268435456} - \frac{1}{536870912} + \frac{1}{1073741824} - \frac{1}{2147483648} + \frac{1}{4294967296} - \frac{1}{8589934592} + \frac{1}{17179869184} - \frac{1}{34359738368} + \frac{1}{68719476736} - \frac{1}{137438953472} + \frac{1}{274877906944} - \frac{1}{549755813888} + \frac{1}{1099511627776} - \frac{1}{2199023255552} + \frac{1}{4398046511104} - \frac{1}{8796093022208} + \frac{1}{17592186044416} - \frac{1}{35184372088832} + \frac{1}{70368744177664} - \frac{1}{140737488355328} + \frac{1}{281474976710656} - \frac{1}{562949953421312} + \frac{1}{1125899906842624} - \frac{1}{2251799813685248} + \frac{1}{4503599627370496} - \frac{1}{9007199254740992} + \frac{1}{18014398509481984} - \frac{1}{36028797018963968} + \frac{1}{72057594037927936} - \frac{1}{144115188075855872} + \frac{1}{288230376151711744} - \frac{1}{576460752303423488} + \frac{1}{1152921504606846976} - \frac{1}{2305843009213693952} + \frac{1}{4611686018427387904} - \frac{1}{9223372036854775808} + \frac{1}{18446744073709551616} - \frac{1}{36893488147419103232} + \frac{1}{73786976294838206464} - \frac{1}{147573952589676412928} + \frac{1}{295147905179352825856} - \frac{1}{590295810358705651712} + \frac{1}{1180591620717411303424} - \frac{1}{2361183241434822606848} + \frac{1}{4722366482869645213696} - \frac{1}{9444732965739290427392} + \frac{1}{18889465931478580854784} - \frac{1}{37778931862957161709568} + \frac{1}{75557863725914323419136} - \frac{1}{151115727451828646838272} + \frac{1}{302231454903657293676544} - \frac{1}{604462909807314587353088} + \frac{1}{1208925819614629174706176} - \frac{1}{2417851639229258349412352} + \frac{1}{4835703278458516698824704} - \frac{1}{9671406556917033397649408} + \frac{1}{19342813113834066795298816} - \frac{1}{38685626227668133590597632} + \frac{1}{77371252455336267181195264} - \frac{1}{154742504910672534362390528} + \frac{1}{309485009821345068724781056} - \frac{1}{618970019642690137449562112} + \frac{1}{1237940039285380274899124224} - \frac{1}{2475880078570760549798248448} + \frac{1}{4951760157141521099596496896} - \frac{1}{9903520314283042199192993792} + \frac{1}{19807040628566084398385987584} - \frac{1}{39614081257132168796771975168} + \frac{1}{79228162514264337593543950336} - \frac{1}{158456325028528675187087900672} + \frac{1}{316912650057057350374175801344} - \frac{1}{633825300114114700748351602688} + \frac{1}{1267650600228229401496703205376} - \frac{1}{2535301200456458802993406410752} + \frac{1}{5070602400912917605986812821504} - \frac{1}{10141204801825835211973625643008} + \frac{1}{20282409603651670423947251286016} - \frac{1}{40564819207303340847894502572032} + \frac{1}{81129638414606681695789005144064} - \frac{1}{162259276829213363391578010288128} + \frac{1}{324518553658426726783156020576256} - \frac{1}{649037107316853453566312041152512} + \frac{1}{1298074214633706907132624082305024} - \frac{1}{2596148429267413814265248164610048} + \frac{1}{5192296858534827628530496329220096} - \frac{1}{10384593717069655257060992658440192} + \frac{1}{20769187434139310514121985316880384} - \frac{1}{41538374868278621028243970633760768} + \frac{1}{83076749736557242056487941267521536} - \frac{1}{166153499473114484112975882535043072} + \frac{1}{332306998946228968225951765070086144} - \frac{1}{664613997892457936451903530140172288} + \frac{1}{1329227995784915872903807060280344576} - \frac{1}{2658455991569831745807614120560689152} + \frac{1}{5316911983139663491615228241121378304} - \frac{1}{10633823966279326983230456482242756608} + \frac{1}{21267647932558653966460912964485513216} - \frac{1}{42535295865117307932921825928971026432} + \frac{1}{85070591730234615865843651857942052864} - \frac{1}{170141183460469231731687303715884105728} + \frac{1}{340282366920938463463374607431768211456} - \frac{1}{680564733841876926926749214863536422912} + \frac{1}{1361129467683753853853498429727072845824} - \frac{1}{2722258935367507707706996859454145691648} + \frac{1}{5444517870735015415413993718908291383296} - \frac{1}{10889035741470030830827987437816582766592} + \frac{1}{21778071482940061661655974875633165533184} - \frac{1}{43556142965880123323311949751266331066368} + \frac{1}{87112285931760246646623899502532662132736} - \frac{1}{174224571863520493293247799005065324265472} + \frac{1}{348449143727040986586495598010130648530944} - \frac{1}{696898287454081973172991196020261297061888} + \frac{1}{1393796574908163946345982392040522594123776} - \frac{1}{2787593149816327892691964784081045188247552} + \frac{1}{5575186$$

IN THE MATTER OF THE	*	IN THE ORPHANS' COURT
ESTATE OF	*	FOR
NAOMI CORNWAITE RITTER	*	BALTIMORE COUNTY

\* \* \* \* \*

PETITION FOR COMMISSIONS

• TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of Raymond F. Ritter, Personal Representative of the Estate of NAOMI CORNWALTE RITTER, deceased, respectfully shows unto your Honors:

1. That your Petitioner was appointed Personal Representative of the Estate of Naomi Cornwaite Ritter, deceased, by this Court on March 24, 1986.

2. That the services performed by the Personal Representative in connection with the administration of the Estate include the following:

(a) Prepared and filed with the Register of Wills a Petition for Probate as well as the Acceptance of Appointment and Consent to Service.

(b) Arranged for the Grant of Letters appointing your Petitioner as Personal Representative.

(c) Arranged for the insertion in THE JEFFERSONIAN of the Appointment of your Petitioner as Personal Representative and filed with the Register of Wills a Certification of Publication of said Notice of Appointment.

(d) Furnished the Register of Wills with a list of persons interested in the Estate together with their mailing addresses.

(e) Prepared and filed an Information Report with the Register of Wills.

(f) Prepared and filed, with payment, the Joint Accounts, on jointly owned bank accounts.

... and recommended insuring where possible all the

# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 25 ODEON CT.

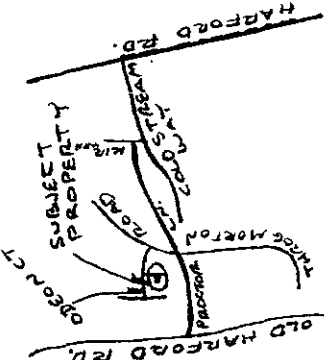
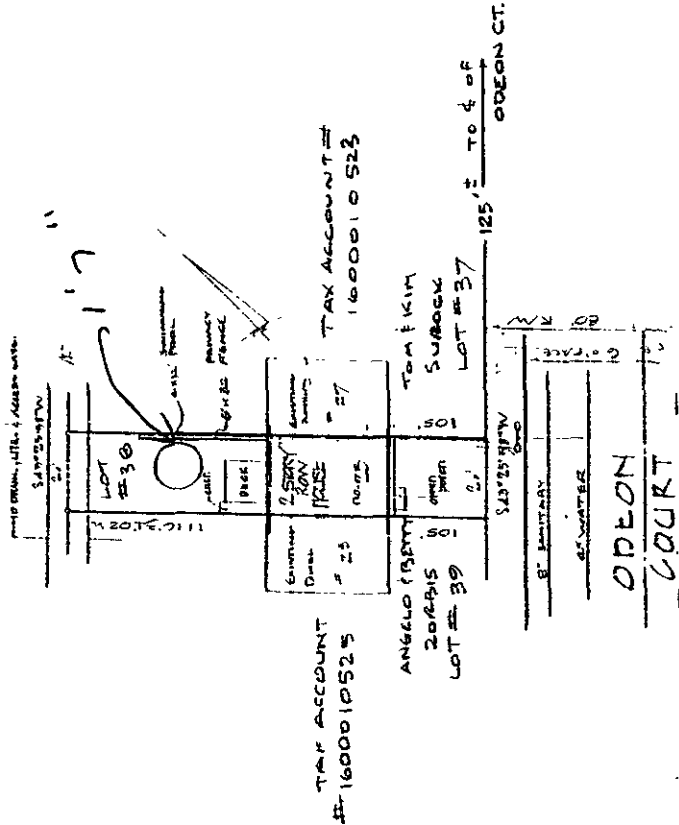
Subdivision name: TOWN & COUNTRY / CARNEY

[plat book# 36, folio# 31, lot# 38, section# A]

OWNER: JOSEPH & JENNIFER KAPPAUN

97-20-A.

MICROFILMED



## LOCATION INFORMATION

Election District: 9  
 Councilmanic District: 4  
 1"=200' scale map# NE-8.10  
 Zoning: RESIDENTIAL DRS.5  
 Lot size: .047 acreage 2100 square feet

public: ☒ private: ☐  
 SEWER: ☒ WATER: ☒  
 Chesapeake Bay Critical Area: ☐ NE ☒  
 Prior Zoning Hearings: NONE

## Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

Jim 20

North

date: 7.11.96

prepared by: J. KAPPAUN Scale of Drawing: 1" = 50'

R.5.5

D.R.3.5

D.R.5.5

THROGMORTON

REBURG

ST

LYACADE

RD

RD

RD

TEACH

RD

MICRO

LOTEN

THROGMORTON

IDE

HARFORD

LANE

RD

RD

97-20-A

YARD BELONGING TO 27 ODEON COURT

FILM



EX. 1

- WATER FROM pool cover  
AND HILLS concentrate in  
one small AREA.



EX. 2 - whole YARD is being covered  
WATER HAS to go SOMEWHERE?

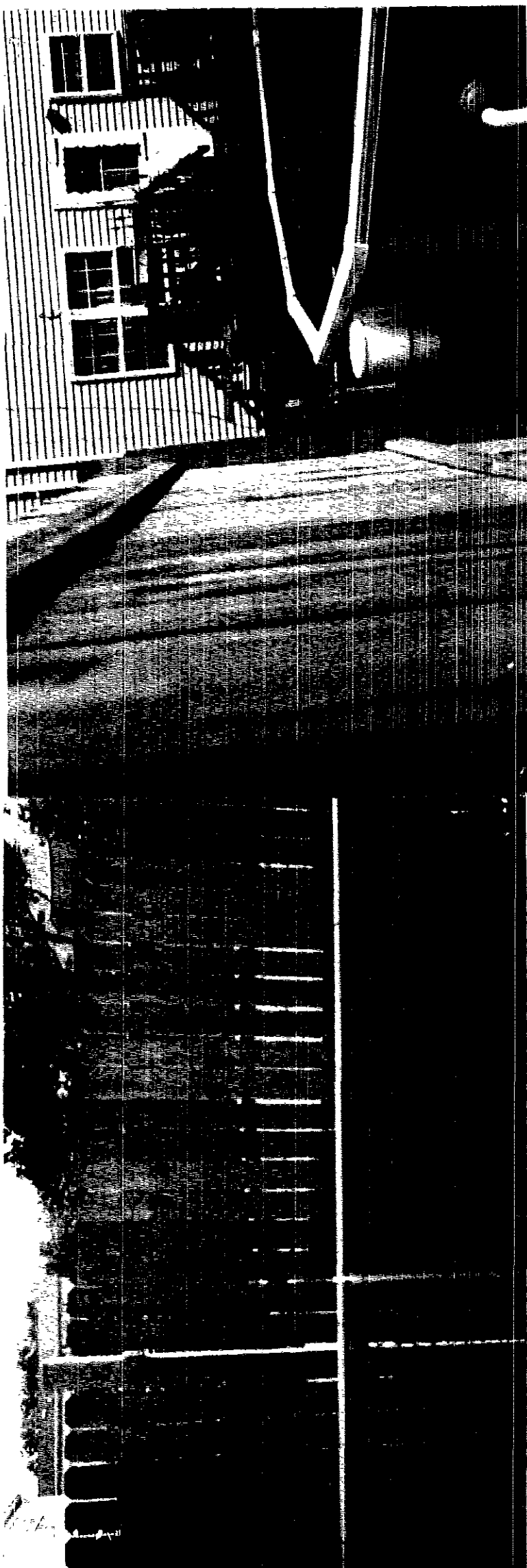


EX. 3

- WATER FROM pool + hill concentrate  
in ONE AREA.

MICROFILMED

25 ODEON COURT



pool cover is not properly lined, water  
will run right off, and the water will  
run down the hill, and will be  
concentrated in one area.

pool cover is not properly lined, water  
will run right off, and the water will  
run down the hill, and will be  
concentrated in one area.



IN RE: PETITION FOR VARIANCE  
NW/8 Odeon Court, 120' SE of  
the c/l Throgmorton Road  
(25 Odeon Court)  
9th Election District  
4th Councilmanic District  
Joseph Kapraun, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-20-A  
\*  
\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 25 Odeon Court, located in the vicinity of Throgmorton Road in Carney. The Petition was filed by the owners of the property, Joseph and Jennifer Kapraun. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 1 foot, 7 inches in lieu of the required 2.5 feet for an existing swimming pool. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Joseph and Jennifer Kapraun. Appearing in opposition to the relief requested was Thomas Surock, adjoining property owner.

Testimony and evidence offered revealed that the subject property consists of 2,100 sq.ft., zoned D.R. 5.5 and is improved with a two-story, inside-group, townhouse dwelling, and an above-ground swimming pool which is situated in the rear yard, approximately 1'7" from the north side property line. Also on the property is a 6-foot high privacy fence which has been placed along the north side property line and runs from the rear of the dwelling to approximately 3/4 of the length of the rear yard. Testimony indicated that the pool, which is 12 feet in diameter, was

installed last summer approximately 1'7" from the north side property line adjoining Mr. Surock's property. The Petitioners testified that they were unaware at the time of installation that a 2.5 foot setback was required and upon receipt of a correction notice from the Department of Permits and Development Management (DPDM), filed the instant Petition to legitimize existing conditions.

As noted above, Mr. Thomas Surock, the adjoining property owner, appeared and testified in opposition to the request. Mr. Surock objects to the location of the pool due to the water runoff problems he encounters when the pool is covered during the off-season months. He testified that rain water collects on the surface and overflows into his rear yard, which is evidenced in a photograph he submitted depicting the pool and standing water in his rear yard. Both Mr. Surock and Mr. Kapraun testified as to an existing drainage problem in this area of the neighborhood and noted that they and their neighbors installed an underground drainage pipe to carry water runoff away from their rear yards. However, Mr. Surock testified that since the installation of the subject pool, he has experienced additional drainage problems in his rear yard. Furthermore, Mr. Surock is concerned that the pool is too close to the common property line he shares with the Petitioners and that his child might fall into the pool should he climb the privacy fence which abuts the chain link fence between the two properties. Mr. Surock objects to the pool's location and requests that the Petitioners be required to move the pool to meet the 2.5-foot setback requirement.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

- 2 -

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence offered by both the Petitioners and Mr. Surock, I am persuaded to deny the variance. Mr. Surock believes that the location of the pool poses a hazard to his child and the close proximity of the pool to his property has created an adverse water runoff problem. In addition, there was no testimony offered as to why the Petitioners could not maintain the 2.5 foot setback required. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Thus, the relief requested must be denied and the Petitioners shall be required to relocate the pool to meet the 2.5-foot setback requirement.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of August, 1996 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning

- 3 -

Regulations (B.C.Z.R.) to permit a side setback of 1 foot, 7 inches in lieu of the required 2.5 feet for an existing swimming pool, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall be required to relocate the pool to meet the 2.5-foot setback requirement within sixty (60) days of the date of this Order; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

- 4 -

ORDER RECEIVED FOR FILING  
Date 8/28/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 8/28/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 8/28/96  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 28, 1996

Mr. & Mrs. Joseph Kapraun  
25 Odeon Court  
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE  
NW/8 Odeon Court, 120' SE of the c/l Throgmorton Road  
(25 Odeon Court)  
9th Election District - 4th Councilmanic District  
Joseph Kapraun, et ux - Petitioners  
Case No. 97-20-A

Dear Mr. & Mrs. Kapraun:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

THK:bjs  
cc: Mr. Thomas Surock  
27 Odeon Court, Baltimore, Md. 21234  
People's Counsel  
[Signature]

**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
for the property located at 25 ODEON CT  
which is presently zoned RESIDENTIAL  
97-20-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1, 802.2, TO Permit  
A pool within 1'7" of a side property line in lieu of  
The Required 2.5'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE ADDRESSED @ HEARING

Contact Purchaser/Lessee  
JOSEPH KAPRAUN  
(Type or Print Name)  
Joseph Kapraun  
Address  
25 ODEON CT.  
BALTO. MD. 21234  
City State Zipcode  
Attorney for Petitioner  
(Type or Print Name)  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Legal Owner(s)  
JOSEPH KAPRAUN  
(Type or Print Name)  
Joseph Kapraun  
Address  
25 ODEON CT. 410-882-9284  
BALTO. MD. 21234  
City State Zipcode  
Name Address and phone number of representative to be contacted  
Joseph Kapraun  
Address Suite D Phone No. \_\_\_\_\_  
City State Zipcode

ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
the following date \_\_\_\_\_ Next Two Months  
ALL OTHER  
REVIEWED BY [Signature] DATE 7-17-96  
20

Zoning description for 25 Odeon Court.

Beginning at a point on the west side of Odeon Court which is 80' wide at the distance of 125' south of the center line of the nearest improved intersecting street Odeon Court which is 60' wide. Being lot #38, Block A in the subdivision of Town and Country Carney as recorded in Baltimore County Plat Book 36 folio 31 containing 2100 square feet. Also known as 25 Odeon Court and located in the 9th election district and 4th councilmanic district.

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 9th Date of Posting 8/1/96  
Posted for: [Signature]  
Petitioner: Joseph & Jennifer Kapraun  
Location of property: 25 Odeon Ct.  
Location of Sign: Along the side of property being zoned  
Remarks:  
Posted by: [Signature] Date of return: 8/1/96  
Number of Signs: 1

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 9th Date of Posting 8/1/96  
Posted for: [Signature]  
Petitioner: [Signature]  
Location of property: 25 Odeon Ct.  
Location of Sign: Along the side of property being zoned  
Remarks:  
Posted by: [Signature] Date of return: 8/1/96  
Number of Signs: 1



**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 8/11, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/11, 1996.

**THE JEFFERSONIAN,**  
A. Henrichson  
LEGAL AD. - TOWSON

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
CASE NUMBER: 97-20-A (Item 20)  
24 Odeon Court  
S & W/O Odeon Court, 200' NW and 120' SE of c/7 Throghorton Road  
9th Election District - 4th Councilmanic  
Legal Owner(s): Joseph Kapraun and Jennifer Kapraun  
Variance to permit a pool within 1 foot, 7 inches of a side property line in lieu of the required 2.5 feet.  
HEARING: TUESDAY, AUGUST 20, 1996 at 9:00 a.m. in Room 118, Old Courthouse.  
Arnold Jablon  
Director  
cc: Joseph and Jennifer Kapraun  
NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO DM, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3351.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

**Baltimore County**  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: 20 Petitioner: Joseph Kapraun  
Location: 25 Odeon Ct. Balto., Md. 21234  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: SAME  
ADDRESS: SAME  
PHONE NUMBER: 882-9684

**TO: FUTURE PUBLISHING COMPANY**  
August 1, 1996 Issue - Jeffersonian

Please forward billing to:  
Joseph Kapraun  
25 Odeon Court  
Baltimore, MD 21234  
882-9684

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-20-A (Item 20)  
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HEARING: TUESDAY, AUGUST 20, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAURENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3351.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

**Baltimore County**  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 26, 1996

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-20-A (Item 20)  
24 Odeon Court  
S & W/O Odeon Court, 200' NW and 120' SE of c/7 Throghorton Road  
9th Election District - 4th Councilmanic  
Legal Owner(s): Joseph Kapraun and Jennifer Kapraun  
Variance to permit a pool within 1 foot, 7 inches of a side property line in lieu of the required 2.5 feet.  
HEARING: TUESDAY, AUGUST 20, 1996 at 9:00 a.m. in Room 118, Old Courthouse.  
Arnold Jablon  
Director  
cc: Joseph and Jennifer Kapraun  
NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO DM, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3351.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

**Baltimore County**  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 19, 1996

Mr. and Mrs. Joseph Kapraun  
25 Odeon Court  
Baltimore, MD 21234

RE: Item No.: 20  
Case No.: 97-20-A  
Petitioner: Joseph Kapraun, et ux

Dear Mr. and Mrs. Kapraun:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 17, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

**Maryland Department of Transportation**  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 020 (JCM)

7-30-96

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,  
Ronald Burns, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2255 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

**BALTIMORE COUNTY, MARYLAND**  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for August 5, 1996  
Item Nos. 017, 019, 020, 021, 022,  
023, 024, and 025

Date: August 2, 1996

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE20

**ZAC Agenda**

Number: 019 Type: Administrative  
Owner: George S. Kreisher & Anna H. Kreisher

Reviewer: JRA  
97-18-A  
Close 8/22/96

Contract Purchaser: N/A

Critical Area?: Yes Election District: 12th Councilmanic District: 7th  
Location: E/S Bear Creek Drive, 212.5' S of centerline Boundary Road (#8210 Bear Creek Drive)

Existing Zoning: D.R.-5.5  
Proposed Zoning: ADMINISTRATIVE VARIANCE to allow a detached structure (garage) to be in the side yard in lieu of the rear yard. 11 feet from the rear street on a double frontage lot in lieu of the required 25 feet.

Area: .41 acre

Attorney: N/A  
Miscellaneous: Coastal Zone

Item Number: 020 7/17 Type: Residential Reviewer: JCM  
Legal Owner: Joseph Kapraun & Jennifer Kapraun

Contract Purchaser: N/A

Critical Area?: No Election District: 9th Councilmanic District: 4th  
Location: S & W/O Odeon Court, 200' NW & 120' SE of centerline Throghorton Road (#24 Odeon Court)

Existing Zoning: D.R.-5.5  
Proposed Zoning: VARIANCE to permit a pool within 1 foot, 7 inches of a side property line in lieu of the required 2.5 feet.

NOTE: PER A TYPOGRAPHICAL ERROR MADE BY THIS OFFICE, indicating the above address, this case was advertised and posted as 24 Odeon Court. IT SHOULD HAVE READ 25 ODEON COURT. The sign will be moved to the proper location. Several phone calls have been made by neighbors, all of whom realize that the wrong property was posted and know which house needs the zoning action.

Area: 2,100 square feet

Attorney: N/A  
Miscellaneous:



more from  
p. 24  
to  
25

11:06 8/5/96

11:06 8/5/96

11:26 8/5/96

11:26 8/5/96

11:26 8/5/96

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11:26 8/5/96

PL 100-191, passed at  
the Senate Court, but  
it should be passed at  
the House Court

ENTRY OF APPEARANCE

Peter Max Zimmerman

Carole S. Demilio

CERTIFICATE OF SERVICE

Yates Martiniana

PETER MAX ZIMMERMAN

8/20/96

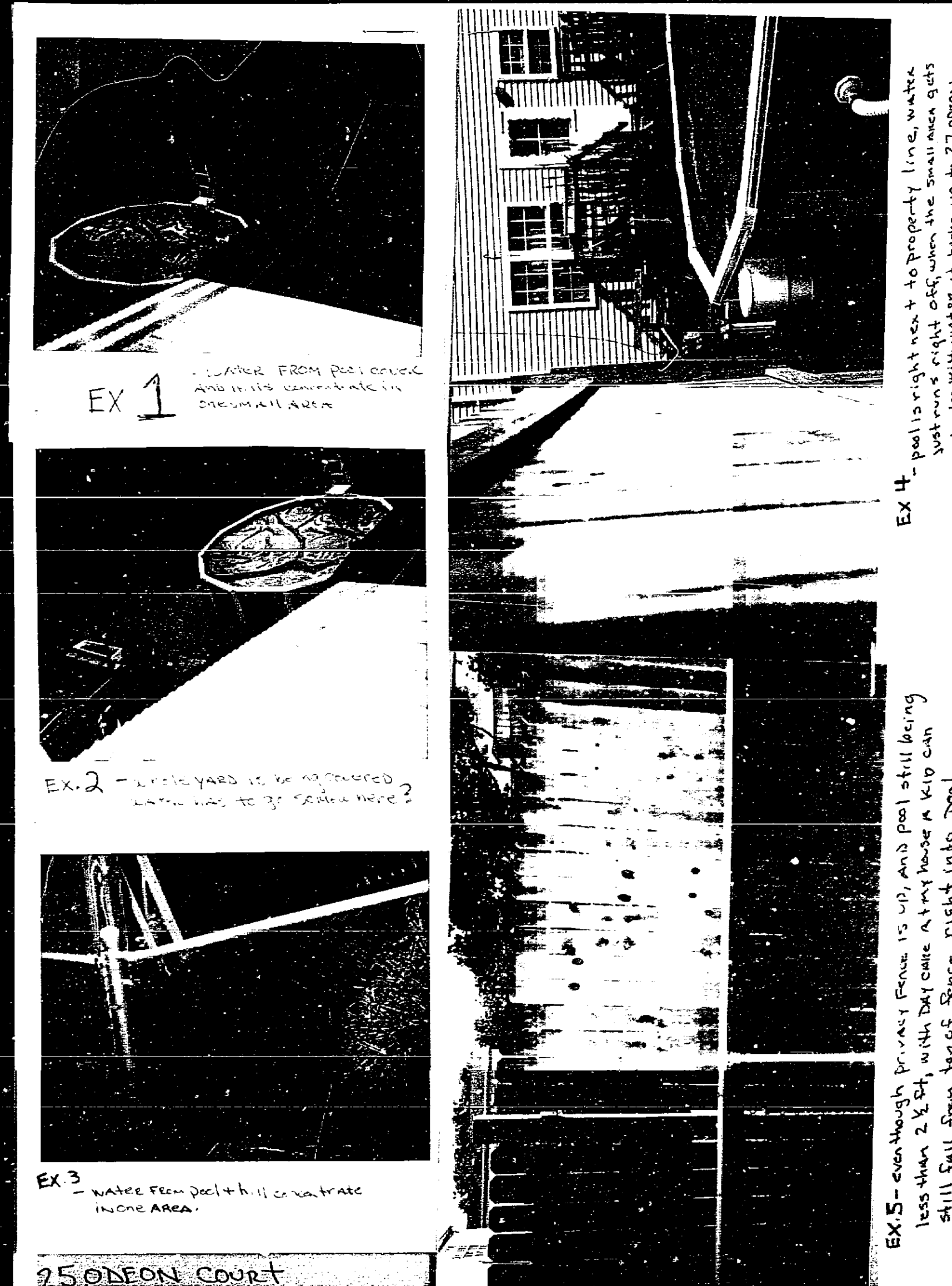
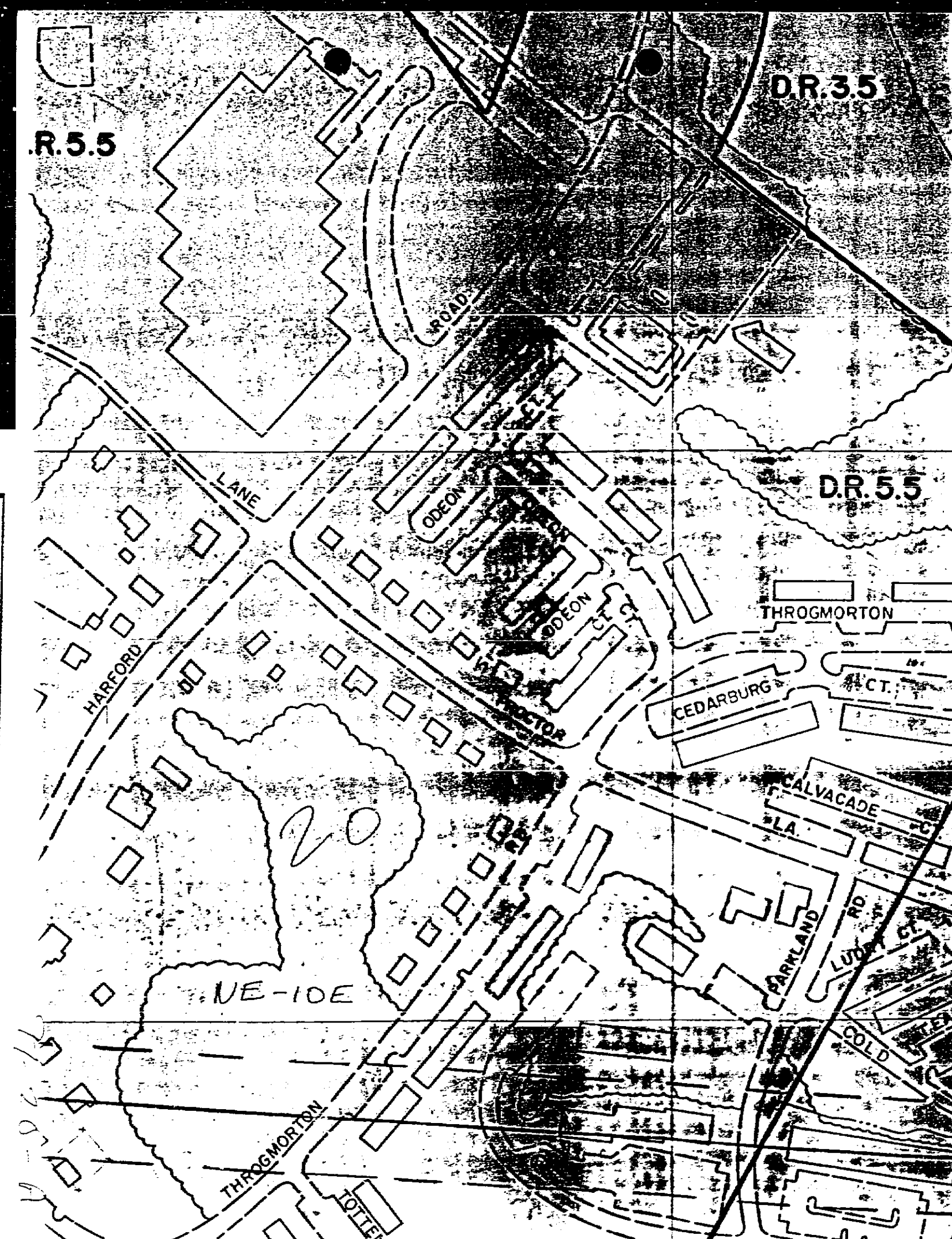
Today at the hearing of 25 ODEON Court, I was not able to provide you the crucial picture that I think will aid your final decision. The picture was lost by inspector, Rowe. I MADE A COPY of the negative.

- 2 points -

- (2) Also, 25 ODEON Court should dig trench to capture water coming off of pool and from hill

Thomas Surack  
832-5761

Attachment

[illegible]

EX 4 - pool is right next to property line, water just runs right off, when the small area gets too high, water is back up to above.

EX-5 - even though privacy fence is up, and pool still being less than 2 ft. with daycare at my house a kid can still fall from fence since right into door